

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 50-64 are currently pending in the above-identified application. Claims 50-61 are amended and claims 62-64 are added by the foregoing amendment. Applicants respectfully submit that support for amended claims 50-61 and for new claims 62-64 is self-evident from the originally-filed disclosure, including the original claims, Figure 9, Figure 11(b), and the Specification at page 30, lines 9-11. No new subject matter has been introduced by the foregoing amendment.

In the Office Action, claims 50-61 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kim et al. (U.S. Patent No. 6,470,135; hereinafter "Kim"), in view of Itokawa (U.S. Patent No. 6,477,317). Claims 50-61 were rejected under 35 U.S.C. § 102(e) as anticipated by Davis, et al. (U.S. Patent No. 5,838,678 A; hereinafter "Davis"), in view of Hirabayashi et al. (U.S. Patent No. 6,002,834, hereinafter Hirabayashi).

Applicants note that the rejection under 35 U.S.C. § 102(e) improperly cites more than one prior art reference. That is, for an application filed before November 29, 2000, the statute states that a "person shall be entitled to a patent unless...(e) the invention was described in *a patent* granted on an application for patent by another filed in the United States..." (emphasis added). In contrast, the Office Action cites *two* patents in this rejection, i.e., Davis and Hirabayashi. In light of the comments on page 4 of the Office Action regarding obviousness, Applicants assume that a rejection under 35 U.S.C. § 103(a) was intended in this circumstance and respond accordingly.

Regarding the prior art rejection citing Kim and Itokawa, Applicants respectfully submit that the suggested combination of these references fails to render obvious amended claims 50-61. For example, amended claim 50 recites:

...the MPEG transport stream being recorded as a data unit of a stream object; and
a management area configured to store control information used to access the data unit, a start position of the data unit being matched to a start position of the I-picture...the management area being configured to store information relating to a position of the data unit, wherein,
the data unit has leading information including at least one of a program association table and a program map table, wherein, within the data unit, the leading information is located at a leading side of the data unit...

Referring to the non-limiting example illustrated in Applicants' Figure 11(b), a program association table is represented by "PAT" and a program map table is represented by "PMT".¹ Each data unit SOBU of a stream object SOB in Figure 11(b) includes both a program association table PAT and a program map table PMT in leading information of the data unit SOBU, the leading information being located at a leading side of the data unit SOBU.

The suggested combination of Kim and Itokawa fails render obvious amended claim 50. For example, each data unit described in Kim includes transport stream packet arrival times, not a program association table or a program map table, as recited in amended claim 50.² Further, Kim does not disclose that a start position of a data unit is aligned to a start position of an I-picture, as recited in amended claim 50. Moreover, Kim fails to disclose that particular information stored in a management area relates to a position of a data unit, as recited in amended claim 50.

To remedy the deficiencies of Kim with respect to the pending claims, the Office Action turns to Itokawa, which generally describes the use of a program association table and of a program map table.³ However, Itokawa does not describe positioning a program association table or a program map table in leading information locating at a leading side of a data unit, as recited in amended claim 50. Instead, in Itokawa, the program association table and program map table are included in a transport stream. Also, Itokawa fails to disclose that

¹ See Applicants Specification at page 11, lines 1-8, and page 133, lines 6-12.

² See, e.g., Kim at Figure 3 (TS APAT).

³ See, e.g., Itokawa at column 3, lines 7-23.

a start position of a data unit is aligned to a start position of an I-picture and that particular information stored in a management area relates to a position of a data unit, features which are recited in amended claim 50. As such, Itokawa fails to remedy the deficiencies of Kim with respect to amended claim 50. Moreover, there is no suggestion in the prior art to modify the teachings of Kim with the teachings of Itokawa to arrive at the features of amended claim 50.

Accordingly, Applicants respectfully submit that amended claim 50 is patentable over the suggested combination of Kim and Itokawa. As such, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 50 under 35 U.S.C. § 103(a) citing Kim and Itokawa. Claims 51-61 recite, inter alia, features substantially similar to those discussed above with respect to amended claim 50. Therefore, Applicants respectfully submit that amended claims 51-61 are also patentable over the suggested combination of Kim and Itokawa.

In response to the prior art rejection citing Davis and Hirabayashi, Applicants respectfully submit that this suggested prior art combination also fails to render obvious amended claims 50-61. For example, Davis teaches a transport stream file including a program association table and a program map table.⁴ However, Davis does not teach that one or both of the program association table and the program map table are stored in leading information located in a leading side of a data unit of a stream object. Instead, Davis requires that each program association table is stored in a payload 104 of one or more transport stream packets 100.⁵ Davis does not specify where a program map table is stored, but does not disclose that such information is stored in leading information of a data unit. Further, Davis does not disclose that a start position of a data unit is aligned with a start position of an I-picture or that a management area is configured to store information relating to a position of a data unit, features that are recited in amended claim 50.

The office action turns to Hirabayashi to remedy the deficiencies of Davis with respect to the pending claims. However, Hirabayashi also fails to disclose leading information of a data unit including at least one of a program association table and a program map table, that a start position of a data unit is aligned with a start position of an I-picture, and a management area configured to store information relating to a position of a data unit. As such, Hirabayashi fails to remedy the deficiencies of Davis with respect to amended claim 50. Further, there is no suggestion in the prior art to modify the teachings of Davis with the teachings of Hirabayashi to arrive at the features of the pending claims.

⁴ See, e.g., Davis at column 10, lines 39-57.

⁵ Davis at Figure 1.

Accordingly, Applicants respectfully submit that amended claim 50 is patentable over the suggested combination of Davis and Hirabayashi for at least the reasons described above. As such, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 50 citing Davis and Hirabayashi. Further, claims 51-61 are also patentable over Davis and Hirabayashi for at least the reasons described above.

New claims 62-64 each recite, among other features, that a start position of a data unit of a stream object is aligned to a start position of an I-picture and that the data unit has leading information located at a leading side of the data unit. The leading information includes a program association table (claim 62), a program map table (claim 63), or both a program association table and a program map table (claim 64). For at least the reasons discussed above, new claims 62-64 are also patentable over the suggested combination of Kim and Itokawa and the suggested combination of Davis and Hirabayashi.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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